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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

GALEN SWAN,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case no. A 15 - ____ Civil

COMPLAINT

COMES NOW Plaintiff Galen Swan and states as follows:

Jurisdiction

1. At all times relevant hereto, Galen Swan was a resident of Kivalina, Alaska, in the District of Alaska.

2. This cause of action arises under the Federal Tort Claims Act 28 U.S.C. sec. 1346, 2401, and 2671 et seq.

3. At all times relevant hereto, Dr. Eric Torres-Sempit, Ruth Lagerberg, and Isabel Booth were employees or agents of the United States of America.

1 9. On September 26, 2012, after finally being referred
2 for a colonoscopy, he was found to have colon cancer, and
3 underwent urgent surgery to remove part of his colon. He
4 subsequently had to undergo extensive radiation treatment and
5 chemotherapy because of the stage of the cancer. He now has
6 neuropathy, bowel problems, erectile dysfunction, and an
7 uncertain future from the cancer.
8

9 **II. Allegation of Negligence and Recklessness**

10 10. Plaintiff incorporates the allegations set forth in
11 Paragraph 1-9.

12 11. Agents and/or employees of the Maniilaq Health
13 Center failed to exercise the degree of care ordinarily
14 exercised under the circumstances by failing to follow up with
15 his positive blood test, failing to schedule a colonoscopy,
16 and failing to exercise due care in their treatment.

17 12. The negligent and reckless care and conduct of
18 employees and/or agents of the Maniilaq Health Center was a
19 direct and proximate cause of the plaintiffs' injuries.
20

21 WHEREFORE, plaintiff prays for relief as follows:

- 22 1. Past and future pain and suffering.
23 2. Past and future medical expenses.
24 3. Past and future lost earning capacity, including
25 subsistence losses.

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4. Any other relief courts deems just and proper.

DATED this 26th day of January, 2015, at Bethel, Alaska.

LAW OFFICES OF DAVID HENDERSON
Attorney for the Plaintiff



David Henderson #9806014

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